

09909806

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility ApplicationsPATENT  
APPLICATIONCOMPLETION Under  
Rule 53(f)In re PATENT APPLICATION of  
Inventor(s): FARWICK et al.

Attn: Application Division

Appln. No.: 09 | 825,293  
Series Code  $\uparrow$  | Serial No.  $\uparrow$ Atty.Dkt. P 280108 | 000561 BT  
M# | Client Ref

Filed: April 4, 2001

Title: Novel Nucleotide Sequences Encoding the mikE-17 Gene

Hon. Commissioner of Patents  
Washington, DC 20231

Date: July 23, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☒ Specification originally filed in non-English language; hence verified translation attached of:
- a. ☒ Abstract
- b. # 39 pages of Specification (only spec. & claims)
- c. ☒ Drawing(s) 1  
No of Sheets
- ☒ Fig(s). 1

4. ☐ Letter filing formal drawing attached.
5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GERMANY

Applicati n No.	Filing Date	Applicati n N .	Filing Dat
(1) DE 100 47 867.0	September 27, 2000	(2) DE 101 13 958.6	March 22, 2001
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. 1 (No.) Certified copy (copies): ☒ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. 1 filed on \_\_\_\_\_
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Amendment See Attached

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee C de	
13. Basic Filing Fee . . . . . Design Application				\$320/\$160		106/26	
Not Design Application				\$710/\$355	+710	101/201	
14. Total Effective Claims	39	minus 20 =	19	x \$18/\$9	+342	103/203	
15. Independent Claims	4	minus 3 =	1	x \$80/\$40	+80	102/202	
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line <u>blank</u> if this is a <u>reissue</u> application)				\$270/\$135	+270	104/204	
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205	
18. FILING FEE ENCLOSED =				\$1532			
19. <u>Original due date:</u> July 30, 2001							
20. <b>Petition is hereby made</b> to extend the <u>original</u> due date to				(1 mo)	\$110/\$55 =	+0	115/215
cover the date this response is filed for which the requisite fee				(2mos)	\$390/\$195 =		116/216
is attached .				(3mos)	\$890/\$445 =		117/217
				(4mos)	\$1390/\$695 =		118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+130	139	
22. If "assignment" box 5 is X'd, add recording fee. . . . .				\$40	+40	581	
23. Petition Fee for				\$130	+0		
24. TOTAL FEE ENCLOSED =				\$1702			

Our Deposit Account No. 03-3975

Our Order No. 21123280108

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

1100 New York Avenue, NW  
 Ninth Floor  
 Washington, DC 20005-3918  
 Tel: (202) 861-3000  
 Atty/Sec: MAS/AMX

By Atty: Michael A. SanzoReg. No. 36912Sig: Michael A. Sanzo

Fax: (202) 822-0944  
 Tel: (202) 861-3020

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments

SECTION  
\$



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,293	04/04/2001	Mike Farwick	P 280108 000561 BT

CONFIRMATION NO. 4063

00909  
PILLSBURY WINTHROP LLP  
1100 NEW YORK AVENUE, N.W.  
9TH FLOOR  
WASHINGTON, DC 20005

FORMALITIES LETTER



\*OC000000006129582\*

Date Mailed: 05/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/26/2001 YGIZAW 00000002 09825293

01 FC:103 36.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- The balance due by applicant is \$ 970.
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

Repln. Ref: 09/26/2001 YGIZAW 0015042200  
PUB: 022975 Name/Number: 09825293  
PC: 704 \$288.00 CR

Adjustment date: 09/26/2001 YGIZAW  
09/27/2001 VTRUONG1 00000002 09825293  
03 FC:103 -324.00 OP

07/27/2001 VTRUONG1 00000002 09825293

710.00 OP  
80.00 OP  
328.00 OP  
130.00 OP  
150.00 OP  
01 FC:101  
02 FC:102  
03 FC:103  
04 FC:104  
05 FC:105  
06 FC:106  
07 FC:107  
08 FC:108  
09 FC:109  
10 FC:110

---

*A copy of this notice **MUST** be returned with the reply.*



---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

TRANSLATOR'S DECLARATION

I, Janet Hope, BSc.(Hons.), MIL., MITI., translator to Messrs. Taylor & Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of     pages of a German Patent application in the German language with the title:

Neue für das mike17-Gen kodierende Nukleotidsequenzen

identified by the code number 000561 BT / IP at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By: 

Date: 12/04/2001